

R E S O L U T I O N Z A - 0 0 0 7 - 2 0 1 3

GRANTING A VARIANCE ON JCC RE TAX PARCEL NO. (1430100021)

WHEREAS, Michael J. Hipple, property owner has appeared before the Board of Zoning Appeals of James City County (the “Board”) on September 5, 2013 to request variances on a parcel of property identified as JCC RE Tax Parcel No. (14-3) (01-0-0021) and further identified as 8251 Croaker Road (the “Property”) as set forth in the application ZA-0007-2013; and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record do move to grant variances to: (1) section 24-217 (a), Yard Regulations, of the James City County Zoning Ordinance to reduce the required 15’ side yard setback to 10’ to allow for continued placement of the existing dwelling shown on Physical Survey of Tax Parcel #1430100021 and dated 05/21/13; and (2) Section 24-215 (a), Setback Requirements, to reduce the required front yard setback from 50’ to 30’ to allow the construction of a 510 square foot addition to the front of the existing dwelling.

NOW THEREFORE, the Board of Zoning Appeals of James City County by a majority vote of its members FINDS that:

1. The strict application of Chapter 24 of the Code of James City County (the “County Code”) would produce undue hardship.
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity.
3. Authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. By reason of the exceptional narrowness, shallowness, size or shape of the Property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the Property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of Chapter 24 of the Code of James City County (the “County Code”) would effectively prohibit or unreasonably restrict the utilization of the property.
5. Granting the variance will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience sought by the applicant.
6. The variance will be in harmony with the intended spirit and purpose of Chapter 24 of the County Code.
7. The condition or situation of the Property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.
8. In authorizing the variance, the following conditions regarding the location, character and other features of the proposed structure or use which have been determined to be in the public interest are imposed: **no further encroachment is permissible.**

ATTEST:

Secretary

Chair, Board of Zoning Appeals

September 5, 2013